

10/26/15  
THE STATE OF TEXAS

VS.

CAUSE NO. 2014-CR-0148  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXASIN THE DISTRICT COURT  
332<sup>4th</sup> JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS

FILED

"IN THE INTEREST OF JUSTICE"

OCT 30 2015

PETITION FOR WRIT OF HABEAS CORPUS  
BAIL PENDING APPEAL  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY

SA15CA0955 XR

TO THE HONORABLE JUDGE OF SAID COURT:

Come Now, Matthew Jamal Jackson Petitioner, who upon his oath states that he is restrained of his liberty by the Court's refusal to admit him to bail pending the appeal of a judgment and sentence entered herein on the 8 day of October, 2015, and appealed to the 4th Court of Appeals on the 15 day of October, 2015.

Applicant would show the Court that such restraint of his liberty is illegal for the following reasons:

1. Article 44.04(c) of the Texas Code of Criminal Procedure provides... "Pending the appeal from any felony conviction... the trial court may... permit the Defendant to remain at large on existing bail, if not then on bail, admit him to a reasonable bail until his conviction becomes final."
2. Although the decision to admit Defendant to bail pending his appeal from a felony conviction is one which is wholly within the discretion of the trial court, the legislature has provided certain guideline and mandatory provisions within that discretion must be exercised. These are: (a) "... the Defendant may not be released on bail pending appeal from a felony conviction where the punishment exceeds 15 years confinement...", V.A.C.C.P., Article 44.04(c)(3) "... the trial court may deny bail and commit Defendant to custody if then there exists good cause to believe that the Defendant would not appear when his conviction became final or is likely to commit another offense while on bail..." V.A.C.C.P., Article 44.04(c).
3. Petitioner states that there is no good reason to believe that he would not appear upon final conviction or he would commit another crime while on bail pending final conviction in this cause. Defendant asserts that he has been in Bexar County Detention Center for 24 months illegally and was arrested without warrant and without probable cause in violation of the laws and constitution of the State of Texas and in violation of the 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendments to the United States Constitution.

Defendant asserts that because he filed lawsuits in San Antonio Western Division SA-15-CA-833-XR(CHB), Fifth Circuit Federal Building New Orleans, LA Docket# No. 15-50835, Austin Western Division A-15-CA-786-RP he was wrongfully convicted because of retaliation, sham and selective malicious prosecution.

4. Defendant prays that a reasonable bail is set guaranteed by Constitutional Rights by the 8th and the 14th Amendments to the Constitution of the United States, and Article I, Section 13 of the Texas Constitution, and by articles 17.01 through 17.38 of the Texas Code of Criminal Procedure on grounds of *Stack v. Boyle*, 342 U.S. 1, 72 S.Ct. 1, 96 C.Ed. 3
5. Defendant asserts that he has no priors of criminal history was sentence at 7 years and is a senior at Grambling State University majoring in Sports Management with minor in Criminal Justice and meets requirements for bail pending appeal.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that he be brought before this Honorable Court instantler, and that he be released on bail pending appeal, or in the alternative, a hearing be scheduled to hear evidence as to why he should or should not be released on bail pending appeal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted

Petitioner

Matthew Jamal Jackson

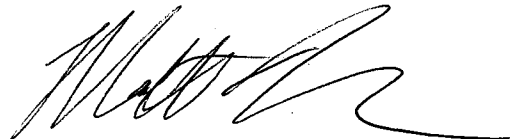
Bexar County Detention Center

200 W. COMAL

SAN ANTONIO, TX 78207

STD#1018145

ANNEX 5C #16



10/26/15